

REMARKS

Claims 1, 4, 7-14 and 16 are pending in this application.

The Office Action rejects claims 1, 4, 7-14 and 16 under 35 U.S.C. §103(a) over JP-U-4-105590 (JP 590), in view of Miyazawa et al. (Miyazawa), JP-A-09-63555, and further in view of Frye, U.S. Patent No. 3,293,078. The rejection is respectfully traversed.

The combination of JP 590, Miyazawa and Frye does not disclose, and would not have rendered obvious, an apparatus having a structure for mounting a backup battery having a partition wall that has an insertion hole through which the lead wire passes, as recited in independent claim 1.

The Office Action acknowledges that JP 590 does not disclose the claimed insertion hole but cites Miyazawa as allegedly overcoming this deficiency. As discussed in the September 29, 2008 Amendment, Miyazawa discloses a cell holder unit that is attached to a circuit board 12 (see paragraph [0016], see also corresponding U.S. Patent No. 5,995,375). Miyazawa teaches using commercially available circuit boards to manufacture an apparatus (see paragraphs [0004]-[0008]) and that, in utilizing these commercially available circuit boards, a backup battery on the circuit board is often not easily accessible and requires disassembly of the apparatus to replace the backup battery (see paragraph [0009] and Fig. 7). To address this problem, Miyazawa discloses providing a dummy cell 16 in a first cell holder 14 on the circuit board 12 and connecting lead wires from the dummy cell 16 to a second cell holder 20 and cell located in a more accessible location (see paragraph [0017] and Fig. 4). Miyazawa teaches that lead wires 18a and 18b extend from dummy cell 16 to a connector 24 that is attached to a circuit board 25 (see Fig. 3A of the corresponding U.S. Patent). The second cell holder 20 is located on a supporting circuit board 25 and the connector 24 is connected to the supporting circuit board 25 (see Figs. 3A and 7 of the corresponding U.S. Patent). Fig. 7 in the corresponding U.S. Patent illustrates that the circuit board 25 forms the

partition in the window 31a between the inside of the case and the front panel 33. As seen in Fig. 3A of the corresponding U.S. Patent, the lead wires 18a and 18b are only attached to an inside surface of the circuit board 25 and do not pass through any feature that can be considered an insertion hole. Frye fails to overcome the deficiencies of JP 590 and Miyazawa. Therefore, the combination of JP 590, Miyazawa and Frye does not disclose, and would not have rendered obvious, an apparatus having a structure for mounting a backup battery having a partition wall that has an insertion hole through which the lead wire passes, as recited in independent claim 1.

Further, the combination of JP 590, Miyazawa and Frye does not disclose, and would not have rendered obvious, an apparatus having a configuration where a connection portion, an insertion hole and a part of a lead wire are arranged on a substantially straight line, as recited in independent claim 1.

The Office Action acknowledges that JP 590 and Miyazawa fail to disclose the above features but cites Frye as allegedly overcoming the deficiency. Specifically, the Office Action asserts that Fig. 1 of Frye illustrates the claimed features. However, Fig. 1 of Frye is merely a Terminal Voltage vs. Time chart and does not indicate in any way the orientation of lead wires with respect to a case. Therefore, the combination of JP 590, Miyazawa and Frye does not disclose, and would not have rendered obvious, an apparatus having a configuration where a connection portion, an insertion hole and a part of a lead wire are arranged on a substantially straight line, as recited in independent claim 1.

The Office Action asserts that it would have been obvious to employ a straight line course since such a modification allegedly would have involved a "mere rearrangement of parts." In support of this assertion, the Office Action cites *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950). The half-century old case of *In re Japikse* dealt with the positioning of a starter switch. In that case, claims to a hydraulic power press which read on the prior art

except with regard to the position of the starting switch were held unpatentable because shifting the position of the starting switch would not have modified the operation of the device (see MPEP 2144.04 VI(C)). Unlike the switch of *In re Japikse*, and as disclosed in Applicant's specification, the orientation of a connection portion, a lead wire and an insertion hole in a substantially straight line modifies the operation of the device. Specifically, by providing a connection portion, a lead wire and an insertion hole in a substantially straight line, a user can easily pull out the lead wires through the insertion hole without hooking the lead wire or the connection portion on the end of the lead wire on any part on the inside of the case (see, for example, page 15, line 15 to page 16, line 8). Therefore, contrary the Office Action's assertion, it would not have been a "mere rearrangement of parts," and hence it would not have been obvious, to employ a substantially straight line course for a connection portion, a lead wire and an insertion hole.

Therefore, independent claim 1 and dependent claims 4, 7-14 and 16 are patentable over the combination of JP 590, Miyazawa and Frye. Thus, it is respectfully requested that the rejection be withdrawn.

Further, with respect to the rejection of dependent claims 10 and 13, Applicant amended these claims in the September 29, 2008 Amendment to structurally define the features of these claims. Yet the Office Action continues asserts that dependent claims 10 and 13 recite an intended use and does not give claims 10 and 13 patentable weight. Claims 10 and 13 recite: "the lead wire is connected to the connection portion such that the lead wire is capable of pulling out toward the insertion hole." The pulling out of a connection portion toward an insertion hole implies an alignment between the connection portion and the insertion hole and therefore defines the structural arrangement of the connection portion with respect to the insertion hole. Therefore, it is respectfully requested that the features in these claims be given patentable weight.

Additionally, Applicant requests that the Examiner clearly indicate, with detailed explanations, where all of the features of the dependent claims allegedly are found in the applied references if the dependent claims continued to be rejected. For example, the Office Action provides no explanation of where the features of dependent claim 14 allegedly are found in the applied references. Explanations are lacking for the other dependent claims.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

James A. Cliff
Registration No. 27,075

Justin T. Lingard
Registration No. 61,276

JAO:JTL/emd

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OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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